

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL WHITEHEAD,)
)
)
Plaintiff,)
)
v.) Civil Action No. 09-220J
)
GERALD ROZUM, *et al.*,) Judge Gibson
)
 Magistrate Judge Bissoon
)
Defendants.)

MEMORANDUM ORDER

Plaintiff Carl Whitehead's complaint, which alleges violations of the Civil Rights Act of 1871, 42 U.S.C. § 1983, was received by this Court on August 11, 2009. (Doc. 3). This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

The Magistrate Judge issued a Report and Recommendation on August 31, 2010 (Doc. 56), in which it was recommended that Defendants' Motion to Dismiss (Doc. 40) be granted in part and denied in part. A copy of the Report and Recommendation was served on Plaintiff by First Class United States Mail at his address of record. The parties were allowed until September 27, 2010, to file objections. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 28th day of September, 2010,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss (Doc. 40) is GRANTED in part, GRANTED WITHOUT PREJUDICE with respect to Plaintiff's right to

amend his factual allegations regarding the loss of his prison job and denial of access to the courts, and DENIED in part.

IT IS FURTHER ORDERED that Judge Bissoon's Report and Recommendation of August 31, 2010 (Doc. 56) is adopted as the opinion of this Court.



Kim R. Gibson
Kim R. Gibson
United States District Judge

cc:

CARL WHITEHEAD
EK-5805
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510